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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,585	09/15/2003	Kim Annon Ryal	SNY-T5501.01	1271

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MILLER PATENT SERVICES  
2500 DOCKERY LANE  
RALEIGH, NC 27606

EXAMINER
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PATEL, NIRAV B

ART UNIT	PAPER NUMBER
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2135

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/662,585	Applicant(s) RYAL, KIM ANNON	
	Examiner Nirav Patel	Art Unit 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 10-18 and 28-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 19-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/30/06</u>  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is in response to the communication filed on 11/27/2006.
2. Applicant's election without traverse of the elected Species I, claims 1-9 and 19-27, in the reply filed on 11/27/06 is acknowledged. Claims 10-18, 28-42 are drawn to nonelected species, thus withdrawn from further consideration.

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5, 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Genevois (US Pub. No. 2005/0141713).

As per claim 1, Genevois discloses:

receiving the selectively encrypted data stream from a first source [Fig. 1, paragraph 0026, 0029 Fig. 11]; receiving a set of clear packets from a second source [Fig. 10, 12 paragraph 0027, 0028], the set of clear packets containing data representing an unencrypted version of the encrypted packets present in the selectively data stream

[Fig. 12, paragraph 0027]; detecting a plurality of encrypted packets forming a part of the selectively encrypted data stream [Fig. 12]; and substituting the clear packets for the encrypted packets to form a clear data stream [Fig. 12, paragraph 0027].

As per claim 5, the rejection of claim 1 is incorporated and Genevois teaches:  
deleting encrypted packets from the selectively encrypted data stream [Fig. 12].

As per claim 7, the rejection of claim 1 is incorporated and Genevois teaches:  
the second source comprises a computer file [paragraph 0028, Fig. 10].

As per claim 8, the rejection of claim 1 is incorporated and Genevois teaches:  
the second source comprises a stream of data received over a communication medium [paragraph 0028, 0027, 0023].

As per claim 9, the rejection of claim 1 is incorporated and Genevois teaches:  
a computer readable storage medium, storing instructions that when executed on a programmed processor carry out a process according to claim 1 [paragraph 0028].

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Genevois (US Pub. No. 2005/0141713) and in view of Colligan et al (US Patent No. 6,415,031).

As per claim 2, the rejection of claim 1 is incorporated and Genevois teaches detecting the plurality of encrypted packets [Fig. 12]. Genevois doesn't expressively mention a packet identifier.

Colligan teaches:

the detecting is carried out by detecting a packet identifier [12B, 13, 11A].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Colligan with Genevois, since one would have been motivated to provide security for video distribution network [Colligan, col. 1 lines 27-29].

As per claim 3, the rejection of claim 1 is incorporated and Colligan teaches:

the detecting is carried out by detecting an encryption flag [12B, 13].

As per claim 4, the rejection of claim 1 is incorporated and Genevois teaches substituting the clear packets from the second source for the encrypted packet into the stream of packets in place of the encrypted packets to produce a stream of clear data [Fig. 12, 0027,0028]. Further Genevois teaches filtering a set of packets using a packet

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filtering logic [Fig. 7 or 10] and producing a stream of packets having clear packets and encrypted packets [Fig. 11].

Colligan teaches:

filtering a set of packets from the selectively encrypted data stream based upon packet identifier values to produce a stream of packets having clear packets and encrypted packets [Fig. 12B, 13].

As per claim 6, the rejection of claim 1 is incorporated and Colligan teaches:

decoding the clear data stream [col. 10 lines 3-5].

5. Claims 19-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Genevois (US Pub. No. 2005/0141713) in view of Colligan et al (US Patent No. 6,415,031) and in view of Ryan (US Patent No. 6,590,979).

As per claim 19, Genevois teaches:

a packet substituter that insert a clear version of the encrypted packets into the stream of packets in place of the encrypted packets to produce a stream of clear data [Fig. 12, 0027,0028]. Further Genevois teaches filtering a set of packets using a packet filtering logic [Fig. 7 or 10] and producing a stream of packets having clear packets and encrypted packets [Fig. 11].

Colligan teaches:

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filtering a set of packets from the selectively encrypted data stream based upon packet identifier values to produce a stream of packets having clear packets and encrypted packets [Fig. 12B, 13].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Colligan with Genevois, since one would have been motivated to provide security for video distribution network [Colligan, col. 1 lines 27-29]. Genevois teaches that inserting a clear version of a clear version of the encrypted packets into the stream of packets in place of the encrypted packets to produce a stream of clear data [Fig. 12, 0027,0028].

Ryan teaches inserting without decrypting the encrypted packets (i.e. insert/use complementing warp pattern i.e. clear version) [Fig. 7, col. 6 lines 1-6].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Ryan with Genevois and Colligan, since one would have been motivated to provide security in the video recording/transmission or processing system [Ryan, col. 2 lines 10-11].

As per claim 20, the rejection of claim 19 is incorporated and Genevois teaches:

a packet inserter that inserts the clear version of the encrypted packets into the stream of packets; an encrypted packet detector that detects encrypted packets in the stream of packets; and an encrypted packet deleter that deletes the encrypted packets from the stream of packets to produce the stream of clear data [Fig. 12].

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As per claim 21, the rejection of claim 20 is incorporated and Colligan teaches:

the encrypted packet detector detects encrypted packets by an encryption flag. [12B, 13].

As per claim 22, the rejection of claim 20 is incorporated and Colligan teaches:

the encrypted packet detector detects the encrypted packets by location in the data stream [12B, 13, 11A].

As per claim 23, the rejection of claim 20 is incorporated and Colligan teaches:

the encrypted packet detector detects the encrypted packets by packet identifier [12B, 13, 11A].

As per claim 24, the rejection of claim 19 is incorporated and it encompasses limitations that are similar to limitations of claim 21. Thus, it is rejected with the same rationale applied against claim 21 above.

As per claim 25, the rejection of claim 19 is incorporated and it encompasses limitations that are similar to limitations of claim 22. Thus, it is rejected with the same rationale applied against claim 22 above.



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As per claim 26, the rejection of claim 19 is incorporated and it encompasses limitations that are similar to limitations of claim 23. Thus, it is rejected with the same rationale applied against claim 23 above.

As per claim 27, the rejection of claim 19 is incorporated and Colligan teaches:  
a decoder that decodes the stream of clear packets in the data stream [col. 10 lines 3-5].

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form 892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. The examiner can normally be reached on 8 am - 4:30 pm (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

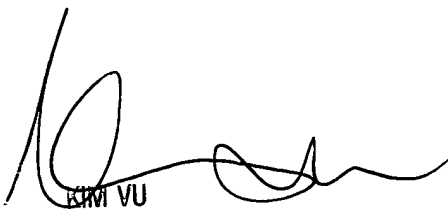
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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**NBP**

**2/16/07**



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